# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/766,734 | 01/22/2001 | Thomas Mikalsen | YOR9-2000-0680US1(8728-45 | 1301 |

| 46069        7590        01/26/2005 | EXAMINER |
|---|---|
| F. CHAU & ASSOCIATES, LLC<br>130 WOODBURY ROAD<br>WOODBURY, NY 11797 | NGUYEN, VAN H |

| | ART UNIT | PAPER NUMBER |
|---|---|---|
| | 2126 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- Th MAILING DATE of this c mmunication appears on th cover sheet with the corresp ndence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *8/20/04*.

2a)☒ This action is **FINAL**.      2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.      Claims 1-49 are presented for examination.

### *Claim Rejections - 35 USC § 103*

2.      The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

3.      Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **San Andre**

**et al.** (U.S.5,956,489) in view of **Bowman-Amuah** (U.S.6,640,244 B1).

4.      **As to claim 1**, San Andre teaches the invention substantially as claimed including a

method for grouping at least two diverse operations (col.9, lines 6-31), comprising the steps of:

        - initiating a context grouping the operations (col.9, lines 6-17), wherein the group is one

of at least two messaging operations, or at least one messaging operation and at least one

transactional operation (col.3, lines 35-38 and col.9, lines 53-65);

        - performing the operations within the context, each operation resulting in an outcome

(col.3, lines 25-38 and col.9, lines 21-31);

        - determining an overall outcome; and taking at least one action dependent on the overall

outcome (col.2, lines 53-64; col.17, lines 10-17; and col.19, lines 43-58).

        San Andre, however, is silent on combining the outcomes.

Bowman-Amuah teaches combining the outcomes (col.302, lines 20-30).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Bowman-Amuah with San Andre because

Bowman-Amuah's teaching would have provided the enhanced capability for ensuring that all

operational servers within the service group contain consistent service content data.

5.      As to claim 2, San Andre teaches terminating the context upon taking the action (col. 18,

lines 38-56).

6.      As to claim 3, San Andre teaches each operation is supported by an object (fig.7 and

associated text).

7.      As to claim 4, San Andre teaches the outcome of each messaging operation is

independent of other messaging operation outcomes (col.17 lines 10-17).

8.      As to claim 5, San Andre teaches the outcome of a messaging operation is independent of

a transactional operation outcome (col.24, lines 46-65).

9.      As to claim 6, San Andre teaches an operation is one of a synchronous invocation on a

transactional resource and a conditional asynchronous message between at least two messaging

components (col.27, lines 19-26).

10.     As to claim 7, San Andre teaches the synchronous invocation occurs in at least one

transaction (col.27, lines 19-26).

11.     As to claim 8, San Andre teaches the asynchronous message results in an outcome, the

outcome defined by a condition associated to a corresponding operation (col.26, line 67-col.26,

line 2).

12.    As to claim 9, San Andre teaches grouping the synchronous invocation in the transaction and the conditional asynchronous message (col.24, lines 46-65).

13.    As to claim 10, San Andre teaches interpreting each outcome as one of a success and a failure (col.19, lines 43-45 and col.27, line 55-col.28, line 5).

14.    As to claim 11, San Andre teaches interpreting the overall group outcome as one of a success and a failure (col.3, lines 35-44 and col.19, lines 43-45).

1.    As to claim 12, San Andre teaches evaluating the overall group outcome as a failure if at least one individual operation is interpreted as a failure (col.3, lines 35-44 and col. 32, line 66-col.33, line 5).

16    As to claim 13, San Andre teaches the action is one of a predefined action, an automatically invoked action, and a performed action (col.14, lines 55-61).

17.    As to claim 14, San Andre teaches the action taken upon determining the overall outcome to be a failure further comprises the step of undoing an operation (col. 27, lines 60-64).

18.    As to claim 15, San Andre teaches the action taken upon determining the overall outcome to be a failure further comprises the step of compensating for an operation (col.19, lines 43-45 and col.27 and col.27, lines 6-18).

19.    As to claims 16 and 17, they are directed to a program storage device for implementing the method of claims 1 and 2, and are similarly rejected under the same rationale.

20.    As to claim 18, San Andre teaches creating a representation of the context according to a defined data structure; and filling the representation with values that; identify the group context (fig.4 and associated text).

21.    As to claim 19, refer to claim 3 above for rejection.

22.     As to claim 20, San Andre teaches the object is one of a transactional resource and a

messaging component.

23.     As to claim 21, refer to claim 6 above for rejection.

24.     As to claim 22, San Andre teaches the synchronous invocation occurs in at least one

transaction (col.3, lines 35-38 and col.9, lines 53-65).

25.     As to claim 23, San Andre teaches the asynchronous message results in an outcome, the

outcome defined by a condition associated a corresponding operation (col.3, lines 24-34).

26.     As to claim 24, San Andre teaches grouping the synchronous invocation in the transaction

and the conditional message (col.24, lines 46-65).

27.     As to claims 25-30, refer to claims 10-15 above for rejection.

28.     As to claims 31-32, refer to claims 4-5 above for rejection.

29.     As to claims 33 and 34, they include the same subject matter as in claims 1 and 2, and are

similarly rejected under the same rationale.

30.     As to claim 35, refer to claim 18 above for rejection.

31.     As to claims 36-42, refer to claims 6-12 above for rejection.

32.     As to claim 43, San Andre the action is, among other things, a compensation (col.19,

lines 25-35 and col.24, lines 46-57).

33.     As to claim 44, San Andre the action, among other things, an update (col.3, lines 25-35;

col.9, lines 25-31).

34.     As to claims 45 and 46, refer to claims 14 and 15 above for rejection.

35.     As to claim 47, San Andre managing the group includes, among other things, achieving a

defined property of the software system (col.17, line 64-col.18, line 9).

36.     As to claims 48 and49, refer to claims 4 and 5 above for rejection.


*Response to Arguments*


37.     Applicant's arguments filed August 20, 2004 have been fully considered but they are not

persuasive.

38.     In the remarks, Applicant argued in substance that (a) San Andre does not teach or

suggest "determining an overall outcome based on a combination of the outcomes for each

operation"; (b) Nowhere does San Andre teach a combined outcome of at least two operations;

(c) Bowman-Amuah does not teach or suggest "determining an overall outcome based on a

combination of the outcomes for each operation"; and (d) Nowhere does Bowman-Amuah teach

a combined outcome.

39.     Examiner respectfully traverses Applicant's remarks.

        As to point (a), the combination of San Andre and Bowman-Amuah teaches the claim

limitations, not the references individually.  San Andre teaches determining an overall outcome

*(e.g., determining the "final out-come" of the transaction for the service group as a whole; col.2,*

*lines 57-58);* and Bowman-Amuah teaches combining of the outcomes *(e.g., bundle the network*

*response; col.302, lines 27-30).*

        As to point (b), San Andre is not used to teach combing the outcomes, Bowman-Amuah

teaches combining of the outcomes *(e.g., bundle the network response; col.302, lines 27-30).*

        As to point (c), again, the combination of San Andre and Bowman-Amuah teaches the

claim limitations, not the references individually.  San Andre teaches determining an overall

outcome *(e.g., determining the "final out-come" of the transaction for the service group as a whole; col.2, lines 57-58);* and Bowman-Amuah teaches combining of the outcomes *(e.g., bundle the network response; col.302, lines 27-30).*

As to point (d), Bowman-Amuah does teach combining of the outcomes *(e.g., bundle the network response; col.302, lines 27-30).*

*40.*   Accordingly, the combination of San Andre and Bowman-Amuah teaches the limitations as claimed by Applicant.


## *Conclusion*


41.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

42.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

43.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765.

The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The

examiner can also be reached on alternative Friday.

44.     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor Meng-Ai An can be reached on (571) 272-3756.

45.     The fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

46.     Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

vhn

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100